

EXHIBIT A

From: Cumming, Gregory (ENRD) <Gregory.Cumming@usdoj.gov>
Sent: Friday, February 16, 2024 8:58 AM
To: Bannon, Zachary (USANYS); Klinger, Alan; Joshua Matz; Kate Harris; Kahne, David; Kolker, Dina; ntaylor@law.nyc.gov; chharned@law.nyc.gov; Frank, Andrew; jllcomlaw@aol.com
Cc: Roberta Kaplan; Gabrielle E. Tenzer; Mark Chertok; Elizabeth Knauer; Jack Nelson; Kaplan, Steven; Silverman, Matthew (USANYE); DePaul, Philip (USANYE); Peltz, Samantha (ENRD)
Subject: RE: Chan/NYACPT: Briefing Schedule

This email was sent from outside the Firm.

All,
I'm writing to provide some additional context on our filing from yesterday evening in *Mulgrew*. First, by way of timing, we were first informed that the parties intended to transfer venue at about 9:30 Tuesday evening, and were subsequently told that MTA intended to file a letter by 4:00 on Wednesday. Given that limited timeframe, taking "no position" was the most accurate statement Federal Defendants could provide by Wednesday afternoon. Subsequently, and given the legal issue involved, we decided to proceed with filing Thursday's letter response to preserve our position on the matter.

To be clear, though, we do not believe our concerns should delay resolution of any of these matters. On *Mulgrew* specifically, we think the proper course of action would be for Plaintiffs to submit their responses to Defendants' pre-motion letters; if, after review of those letters and responses, the Court is able to determine the grounds for dismissal are as straightforward as we believe them to be, it can dismiss on the basis of those filings alone pursuant to R.III.A.4 of J. Gujarati's Standing Rules. If the Court finds otherwise, and consistent with the legal standards we cited, then it can proceed with transfer of venue. And we agree with Zack's statement below that our position in *Mulgrew* need not alter the proposed briefing schedule in *Chan* and *NYAGCPT*.

We are happy to discuss further.

Greg

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From: Bannon, Zachary (USANYS) <ZBannon@usa.doj.gov>
Sent: Thursday, February 15, 2024 7:28 PM
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